

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

US Salt, Inc.,

Plaintiff,

Civ. No. 07-1988 (RHK/JSM)

ORDER

v.

Broken Arrow, Inc.,

Defendant.

For the reasons set forth on the record at the pretrial conference held on April 24, 2008, **IT IS ORDERED** that:

1. US Salt's Breach of Warranty Claims (Counts 2 and 3) are **DISMISSED WITH PREJUDICE**.
2. Broken Arrow's Motion to Exclude US Salt's Damages Expert, Arthur H. Cobb, from testifying at trial (Doc. No. 62) is **GRANTED**.
3. Tom Johnson's proposed testimony with respect to lost profits is excluded.

Dated: April 24, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge